

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TYRONE NOEL NUNN,

Plaintiff

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 3:24-CV-00076-CLB

**ORDER TO EITHER PAY FILING
FEE OR FILE APPLICATION TO
PROCEED
IN FORMA PAUPERIS**

I. DISCUSSION

On February 13, 2024, Plaintiff Tyrone Noel Nunn (“Nunn”), an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint with the Court. (ECF No. 1-1.) However, Nunn has neither paid the full \$405 filing fee for this matter, nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e., pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Nunn a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$405 filing fee for this action on or before **Friday, March 29, 2024**.

Absent unusual circumstances, the Court will not grant any further extensions of time.

If Nunn is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$405 filing fee on or before **Friday, March 29, 2024**, this case will be subject to dismissal without prejudice for Nunn to file a new case with the Court when Nunn is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$405 filing fee.

A dismissal without prejudice means Nunn does not give up the right to refile the case with the Court, under a new case number, when Nunn has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Nunn may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$405 on or before **Friday, March 29, 2024** to proceed with this case.

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will **SEND** Nunn the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **Friday, March 29, 2024**, Nunn will either pay the full \$405 filing fee for a civil action (which includes the \$350 filing fee and the \$55 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e., pages 1 through 3 of the form with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that, if Nunn does not file a fully complete application

1 to proceed *in forma pauperis* with all three documents or pay the full \$405 filing fee for a
2 civil action on or before **Friday, March 29, 2024**, this case will be subject to dismissal
3 without prejudice for Nunn to refile the case with the Court, under a new case number,
4 when Nunn has all three documents needed to file a complete application to proceed *in*
5 *forma pauperis* or pays the full \$405 filing fee.

6 **IT IS SO ORDERED.**

7 **DATED:** February 14, 2024.

8 
9 **UNITED STATES MAGISTRATE JUDGE**